BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

REVISIONS TO EMISSION INSPECTION SYSTEM SPECIFICATION

DISABLING PROCESS FOR NON-COMPLIANT EMISSION INSPECTION SYSTEMS

Legend: Deleted text is indicated by ~~strikethrough~~.

Added text is indicated by underlining.

Omitted text is indicated by (* * * *).

(1) Amend Section 3340.17 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements

* * * *

(b) Each smog check station operating in an enhanced area shall have a BAR-certified emissions inspection system that meets the specifications contained in the BAR-97 Emissions Inspection System Specifications dated May 1996, as revised through ~~December 2001~~ August 2008, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in this subsection, and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

* * * *

(g) Emission inspection systems that the bureau finds do not comply with the hardware and software requirements and specifications established in this article will be ~~disconnected~~ disabled from communicating with the bureau's centralized computer database and network, also known as the Vehicle Information Database (VID), and thereby prohibited from being used to perform smog check inspections, and to transmit certificates of compliance to the Department of Motor Vehicles, until they are brought into compliance. When any non-compliant EIS communicates with the VID, the Bureau will send a command from the database to disable the ability of the EIS to perform Smog Check tests or inspections.

Note: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

VLT ROW SPECIFIC EMISSIONS STANDARDS (CUTPOINTS)

Legend: Deleted text is indicated by ~~strikethrough~~.
Added text is indicated by underlining.
Omitted text is indicated by (* * * *).

(2) Amend Section 3340.42 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3340.42. Mandatory Smog Check Inspection and Test Procedures, and Emissions Standards.

Smog check stations and smog check technicians shall conduct tests and inspections in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in subsections (a) and (b) of Section 3340.17 and Section 3340.42.2 of this article and the following:

(a) ~~The~~ A loaded-mode test ~~method~~, except as otherwise specified, shall be the test

method used to inspect vehicles registered in the enhanced program areas of the state. The loaded-mode test ~~method~~ shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. The loaded-mode test ~~equipment~~ shall ~~be~~ use Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau. The loaded-mode test procedures, including the preconditioning procedure, shall only be conducted according to the bureau-approved procedures specified in this section and include the following:

(1) Place the vehicle's ~~driving~~ drive wheels on a chassis dynamometer and properly restrain the vehicle prior to commencing the test.

(2) With the vehicle operating, sample the exhaust system in the following sequence:

(A) Accelerate the vehicle to the cruise condition as specified by the test procedures.

(B) Operate the vehicle long enough to stabilize emission levels.

(C) Measure and record emissions (hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen).

(3) Until such time as an additional table(s) with revised emissions standards are adopted into regulation and activated, ~~E~~exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE I or TABLE II, as applicable.

(4) On or after January 1, 2009, exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emissions standards shown in the VLT Row Specific Emissions Standards (Cutpoints) Table, dated August 30, 2008, which is hereby incorporated by reference. If the emissions standards for a specific vehicle is not included in this table then the exhaust emissions shall be compared to the emissions standards set forth in TABLE I or TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured emissions are less than or equal to the applicable emission standards specified in the applicable table.

(5) ~~(4)~~ All loaded mode testing shall be conducted in a manner that does not induce excess emissions from the vehicle being tested.

(b) ~~The~~ A two-speed idle mode test method, unless otherwise specified, shall be used to inspect vehicles registered in all program areas of the state, ~~other than the enhanced~~

~~program areas~~ except those areas where the enhanced program has been implemented. The two-speed idle mode test method shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its measured emissions are less than or equal to the applicable emissions standards specified in Table III.

(c) All tests shall be performed with the engine at its normal operating temperature.

(d) There shall be a liquid fuel leak inspection as follows:

(1) As used in this section, "Liquid fuel leak" means any fuel emanating from a vehicle's fuel delivery, metering, or evaporation systems in liquid form that has created a visible drop or more of fuel on a component of a vehicle's fuel delivery, metering, or evaporation system or has created a fuel puddle on, around, or under a component of a vehicle's fuel delivery, metering, or evaporation system.

(2) With the engine running, the smog check technician shall visually inspect the following components of the vehicle, if they are exposed and visually accessible, for liquid fuel leaks:

(A) Gasoline fuel tanks.

(B) Gasoline fill pipes, associated hoses and fuel tank connections.

(C) Gas caps.

(D) External fuel pumps.

(E) Fuel delivery and return lines and hoses.

(F) Fuel filters.

(G) Carburetors.

(H) Fuel injectors.

(I) Fuel pressure regulators.

(J) Charcoal canisters.

(K) Fuel vapor hoses.

(L) Any valves connected to any other fuel evaporative component.

(3) If a smog check technician detects a liquid fuel leak, the technician shall enter "F"

(Defective) in the ~~"Fuel Evaporative Controls"~~ "Liquid Fuel Leak" category of the visual inspection when prompted by the emissions inspection system and the vehicle shall fail the inspection.

(4) Smog check technicians shall indicate on the vehicle inspection report the location of any liquid fuel leak.

(5) The liquid fuel leak inspection required by this section is a visual inspection only. Smog check technicians are not required to perform any disassembly of the vehicle to inspect for liquid fuel leaks. No special tools or equipment, other than a flashlight and mirror, are required and no raising, hoisting or lifting of the vehicle is required.

(6) Expenditures for repairs made at a licensed smog check station to correct liquid fuel leaks detected during a smog check inspection shall be credited toward the repair cost waiver expenditure specified in section 44017 of the Health and Safety Code, or applied to the repair assistance program co-payment specified in section 44062.1 of the Health and Safety Code and Section 3394.4 of this chapter.

(7) Nothing in this subsection shall prohibit a technician from refusing to inspect a vehicle or from aborting an inspection if a liquid fuel leak presents a safety hazard.

(8) This subsection shall not apply to vehicles fueled exclusively by compressed natural gas (CNG), liquid natural gas (LNG), or liquid petroleum gas (LPG).

(e) On and after November 1, 2007, all motor vehicles subject to the program, except as provided in paragraph (1) of this subsection, shall be given a low-pressure test of the fuel evaporative control system as part of a smog check inspection.

(1) The following vehicles are exempt from the low-pressure fuel evaporative test, and when inspecting these vehicles, the Smog Check technician shall enter "N" (Not Applicable) at the EIS "Fuel Evaporative Test" prompt:

(A) 1996 and newer model-year vehicles that are equipped with a Series II On-Board Diagnostic (OBD II) system with the capability to perform a self-diagnosis of the vehicle's fuel evaporative system;

(B) Vehicles for which there are no fuel tank filler neck adapters;

(C) Vehicles powered exclusively by compressed natural gas (CNG), liquid natural gas (LNG) or liquid petroleum gas (LPG);

(D) Vehicles not originally equipped, and not required by state or federal law to be

equipped, with a fuel evaporation control system;

(E) Vehicles with two or more fully operational fuel tanks; and

(F) Vehicles, in their original factory configuration, with a fuel evaporative canister and fuel vapor hoses that are not accessible or would require the partial dismantling of the vehicle in order to gain access to them for testing. If the fuel evaporative system pressure test is infeasible pursuant to this subparagraph, the technician shall note the location of the canister on the vehicle inspection report provided to the consumer pursuant to Section 3340.41 of this article.

(2) Smog Check stations and Smog Check technicians shall perform the low-pressure test of a vehicle's fuel evaporative systems, using a BAR-certified low-pressure fuel evaporative tester (LPFET). The test shall be performed in accordance with the test procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer, and the following, as applicable:

(A) If components related to the vehicle's fuel evaporation system are missing, modified, or disconnected, enter "F" at the EIS "Fuel Evaporative Test" prompt. If the vehicle's fuel evaporation system components are not missing, modified or disconnected, proceed with the test.

(B) If, at the conclusion of the test, the LPFET displays a "P" (pass), enter "P" in the EIS at the "Fuel Evaporative Test" prompt.

(C) If, at the conclusion of the test the LPFET displays an "F" (fail), perform a seal check in accordance with the procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer.

1. If, after completion of the appropriate seal check, the system is found to be properly sealed, enter "F" (fail) in the EIS at the "Fuel Evaporative Test" prompt.

2. If, after completion of the appropriate seal check, the system is found not to be properly sealed follow the applicable procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer to correct the leaks and effect proper seals.

(D) After all leaks have been corrected, a verification test shall be performed in accordance with the procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer.

1. If, at the conclusion of the verification test, the LPFET displays a “P” (pass), enter “P” in the EIS at the “Fuel Evaporative Test” prompt.

2. If, at the conclusion of the verification test the LPFET displays an “F” (fail), enter “F” in the EIS at the “Fuel Evaporative Test” prompt.

(E) At the completion of the test and any necessary verification test, following the procedures and specifications contained in the LPFET instruction manual provided by the tester’s manufacturer, depressurize the evaporative system, remove the tester and return the fuel evaporative system to its original configuration.

(3) Nothing in this subsection shall excuse a station or a technician from completing the visual inspection of the vehicle as required by Section 3340.17 or the liquid fuel leak inspection as required by subsection (d) of this section.

(f) On and after January 1, 2008, pursuant to the provisions of section 44012.1 of the Health and Safety Code, all motor vehicles subject to the program shall undergo a visible smoke test during every smog check inspection to determine whether the vehicle emits any visible smoke from its tailpipe or crankcase. The conditions and procedures for performing the visible smoke test and recording the results shall be as follows:

(1) The test for visible tailpipe smoke shall be performed immediately following the tailpipe emissions phase of the smog check inspection, with the vehicle’s engine running at idle. The technician shall return the vehicle to idle, exit the vehicle, walk to the tailpipe area of the vehicle and remove the emission inspection system exhaust probe from the tailpipe. With an unobstructed view of the vehicle’s tailpipe, the technician shall observe the tailpipe area for at least 10 seconds. If smoke is observed emanating from the vehicle’s tailpipe, the vehicle fails the visible smoke test and the technician shall enter “F” (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(2) The test for visible smoke emanating from the crankcase shall be performed during the under hood portion of the liquid fuel leak inspection specified in subsection (e). The crankcase and PCV systems shall not be disconnected during the visible smoke test portion of the liquid fuel leak inspection. With the vehicle’s engine running at idle, the technician shall observe the crankcase and PCV systems for at least 10 seconds. If smoke is observed emanating from the vehicle’s crankcase or PCV systems, the vehicle

fails the visible smoke test and the technician shall enter “F” (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(3) If no smoke is observed emanating from the vehicle’s tailpipe, and if no smoke is observed emanating from the vehicle’s crankcase or PCV systems, the vehicle passes the visible smoke test. The technician shall enter “P” (Pass) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system. This entry shall be superseded by an entry for any other failure that would normally be recorded in the "Other Emission Related Controls" category of the visual inspection.

(4) Smoke that is observed emanating from any area of a vehicle other than the vehicle’s tailpipe, or crankcase or PCV systems, regardless of the cause, shall not constitute a failure of the visible smoke test.

(5) If the vehicle fails the visible smoke test pursuant to paragraphs (1) and/or (2), in addition to entering the failure into the emission inspection system, the technician shall do all of the following:

(A) Document the failure by writing or stamping on the vehicle inspection report in the “Other Emission Related Components” section, “Failed for visible smoke,” or “Failed visible smoke test.”

(B) Document the failure and the operating conditions under which the failure occurred on the invoice that is given to the customer pursuant to section 9884.8 of the Business and Professions Code and Section 3356 of this chapter.

(C) Provide to the customer the bureau’s *Visible Smoke Test Failure Consumer Information Sheet*, form SMOKE INFO (01/07), as shown in Figure 1, with the applicable items completed on the checklist and the vehicle license or identification number. The bureau will furnish stations with a supply of information sheets.

(6) For the purposes of subsection (f), unless the context otherwise requires:

(A) “Tailpipe” means anywhere the vehicle’s exhaust is designed to exit the vehicle under normal conditions. There may be more than one location.

(B) “Unobstructed view” means that there is nothing in the shop environment, such as equipment, tools, tool cabinets, tool boxes, furniture, supplies, or the like, which prevents

the technician from observing the exhaust emanating from the vehicle's tailpipe.

(g)(1) In the enhanced program areas, heavy-duty vehicles shall be tested using the loaded-mode ~~testing method~~ test as provided in subsection (a) of this section, unless:

(A) The vehicle has a drive axle weight that exceeds 5,000 pounds when the vehicle is unloaded, or

(B) The vehicle is classified by the Department of Motor Vehicles as a motorhome, or

(C) The vehicle has a body and/or chassis configuration or modification made for business purposes that renders the vehicle incompatible with loaded-mode testing, or

(D) The emission inspection system prompts the technician to perform the two-speed idle test.

(2) For the purposes of this subsection, the term "unloaded" shall mean that the vehicle is not currently transporting loads for delivery or is not carrying items of a temporary nature, but excludes items that have been welded, bolted or otherwise permanently affixed to the vehicle, and tools, supplies, parts, hardware, equipment or devices of a similar nature that are routinely carried in or on the vehicle in the performance of the work for which the vehicle is primarily used.

(3) For the purposes of this subsection, modifications that render a vehicle incompatible with loaded-mode testing shall not include any tire, wheel, body or chassis modifications made for other than business purposes.

(4) If it is determined that a heavy-duty vehicle cannot be subjected to a loaded-mode test for any of the reasons set forth in subparagraphs (A) through (D) of paragraph (1) of this subsection, the technician shall perform a two-speed idle test. The technician shall also note on the final invoice the justification for the performance of a two-speed idle test.

(h) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in ~~TABLES I, II or III~~ the tables described in subsections (a) and (b), as applicable.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions

pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, 44017 and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle ~~as indicated in TABLES I, II, or III~~ included in the tables described in subsections (a) and (b), as applicable. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

Note: Authority cited: Sections 44001.5, 44002, 44003, 44012, 44012.1, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015, 44017, 44017.1, 44032, 44033, 44036, 44037.1, 44062.1 and 44081, Health and Safety Code; and Sections 9884.8 and 9884.9, Business and Professions Code.

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

PASS/FAIL CRITERIA FOR ON-BOARD DIAGNOSTIC SYSTEM READINESS MONITORS

Legend: Deleted text is indicated by ~~strikethrough~~.
Added text is indicated by underlining.
Omitted text is indicated by (* * * *).

(3) Add Section 3340.42.2 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

3340.42.2 Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors

(a) Smog Check stations and Smog Check technicians shall conduct tests and inspections in accordance with the Bureau's BAR-97 Emissions Inspection System Specifications referenced in subsections (a) and (b) of Section 3340.17. All applicable 1996 and newer model-year spark ignition passenger vehicles and trucks under 14,001 Gross Vehicle Weight Rating (GVWR) shall be given a test of the On-Board Diagnostic (OBDII) systems. The OBDII test consists of a visual check of the Malfunction Indicator Light (MIL) and a functional test of the readiness indicators and fault code retrieval system.

(b) On or after January 1, 2009, model-year 1996 through 2000 vehicles having more than two (2) incomplete emissions related readiness monitors, and vehicle model-years 2001 and newer having more than one (1) incomplete emissions related readiness monitor shall fail the OBDII portion of the inspection. Until this subsection is implemented, all vehicle model-years 1996 and newer having more than two (2) incomplete emissions related readiness monitors shall fail the OBDII portion of the inspection.

(c) For the purposes of this section:

(1) On-Board Diagnostics (OBDII) means a system of vehicle component and condition monitors controlled by an on-board computer designed to alert the motorist when emission control components or vehicle emission systems are not functioning properly.

(2) A readiness monitor indicates whether or not a specific emission control device or

vehicle emission system has run a self-diagnostic test to determine whether or not the device or system is functioning properly.

Note: Authority cited: Sections 44001.5, 44002, 44003, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44010, 44011, 44013, 44014, 44015, 44032, 44033, 44036, 44037.1, and 44062.1, Health and Safety Code; and Sections 9884.8 and 9884.9, Business and Professions Code.